

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ART SHY, et al.,

Plaintiffs,

v.

NAVISTAR INTERNATIONAL  
CORPORATION, et. al.,

Defendants.

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Case No. 3:92-cv-0333

JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERULING AS MOOT MOTION TO  
DISMISS (DOC. #557)

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This matter is before the Court pursuant to a Motion to Dismiss filed by the Supplemental Benefit Committee of the Navistar International Transportation Corporation (the "SBC"). Doc. #557. In their Motion, filed September 9, 2020, the SBC moved to dismiss Defendants Navistar International Corporation and Navistar, Inc.'s Statement Regarding Phase 2 of the Hearings on the Motion to Reform the 1993 Consent Decree ("Statement").<sup>1</sup> Said Statement, attached as an exhibit to the SBC's Motion to Dismiss, Doc. #557-4, was submitted to chambers and served on all parties of record. Defendants filed a response in opposition to


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<sup>1</sup> The Phase 1 hearing of Defendants' Motion to Reform the 1993 Consent Decree, Doc. #537, was held on June 1, 15, 26 and July 1, 2020.

the SBC's Motion, Doc. #558, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW") filed a response in support of the Motion and the SBC filed a reply. Doc. #560. On April 14, 2021, the Court filed a Decision and Entry overruling Phase 1 of Defendants' Motion to Reform the 1993 Consent Decree, Doc. #537, based on Navistar's current financial standing and the evolution of the healthcare marketplace. Doc. #574. The Decision and Entry further stated that "Navistar's Motion to Reform the Consent Decree, Doc. #537, is OVERRULED in its entirety." *Id.*

Pursuant to the Court's Decision and Entry, Doc. #574, the SBC's Motion to Dismiss, Doc. #557, is OVERRULED as moot.

Date: September 17, 2021

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE